

# EXHIBIT 26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

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ULTIMA SERVICES CORPORATION,

Plaintiff,

v.

Case No.

U.S. DEPARTMENT OF AGRICULTURE,

2:20-cv-00041-

U.S. SMALL BUSINESS

DCLC-CRW

ADMINISTRATION, SECRETARY OF

AGRICULTURE, and ADMINISTRATOR

OF THE SMALL BUSINESS

ADMINISTRATION,

Defendants.

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VIDEOCONFERENCE DEPOSITION OF

MICHELLE WARREN

DATE: Thursday, April 21, 2022

TIME: 9:32 a.m.

LOCATION: Remote Proceeding

Washington, DC 20005

REPORTED BY: Timothy Guevara, Notary Public

JOB NO.: 5192242

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF ULTIMA SERVICES CORPORATION:

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A P P E A R A N C E S (Cont'd.)  
ON BEHALF OF DEFENDANTS U.S. DEPARTMENT OF  
AGRICULTURE, U.S. SMALL BUSINESS ADMINISTRATION,  
SECRETARY OF AGRICULTURE, AND ADMINISTRATOR OF THE  
SMALL BUSINESS ADMINISTRATION:

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I N D E X

EXAMINATION:

PAGE

By Ms. Scott

7

E X H I B I T S

NO.

DESCRIPTION

PAGE

Exhibit 1

USDA Decision Memo

30

(Exhibit attached.)

1 BY MS. SCOTT:

2 Q Let me try again, because I was a little off  
3 there. Okay. Let me start at the beginning. So the  
4 goals are measured by total contracting dollars, is  
5 that correct?

6 A Yes.

7 Q Or percentage. Okay. If they're measured  
8 by total contracting dollars, would it be okay if all  
9 of the 8(a) contracts, and the HUBZone contracts, and  
10 the Women Owned Small Business contracts were all  
11 concentrated in one NAICS code? Would you still meet  
12 your goal?

13 A We don't -- we don't -- my office doesn't --  
14 we don't set the goal -- there isn't a -- we don't set  
15 the goal based on a NAICS code. It's strictly total  
16 contract dollars and percentage.

17 Q Okay. So the answer would be yes, then?  
18 You would still meet your goal.

19 MS. SMITH: Objection.

20 Mischaracterization. You can answer the question.

21 BY MS. SCOTT:

22 Q Okay. Would the goal still be met?

1           A     The goals would still be met.

2           Q     Okay. Under the various subagencies under  
3     USDA, are there different goals for each subagency,  
4     such as NRCS, or are they all the same?

5           A     It -- I'm aware of a change in the SDB goal  
6     for -- for the various agencies, but the rest of them  
7     are the same.

8           Q     So can you tell me: how is the SDB goal  
9     different?

10          A     I'm just aware of it. I can't tell you.  
11     I'm -- I'm not aware of what each agency has as their  
12     SDB goal. I know what the total goal of USDA's SDB  
13     goal.

14          Q     Okay. But you're testifying that the SDB  
15     goal is different for NRCS than maybe some other  
16     agencies within USDA?

17          A     As far as I'm aware.

18          Q     Okay. And why is that?

19          A     I -- I can't answer that question.

20          Q     Oh, okay.

21          A     I'm not aware.

22          Q     Okay. So are these goals tracked for each

## CERTIFICATE OF TRANSCRIBER

I, ERIN ELLIA, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ERIN ELLIA